

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: PACIFIC FERTILITY CENTER  
LITIGATION

Case No. 18-cv-01586-JSC

**ORDER STAYING ACTIONS  
PENDING APPEAL**

This Document Relates To All Cases

United States District Court  
Northern District of California

Plaintiffs A.B., C.D., E.F., G.H., and I.J. prevailed at trial on their product liability and failure to recall claims against Chart Industries and judgment was entered in their favor on August 13, 2021. (Dkt. No. 902.) There are over 130 other consolidated related cases which are a part of the *In re: Pacific Fertility Litigation*.<sup>1</sup> (Dkt. No. 554.) The parties have agreed to stay these consolidated related cases pending resolution of Chart's appeal to the Ninth Circuit Court of Appeals of the jury's verdict. *See A. B., et al v. Chart, Inc.*, No. 21-17016. (Dkt Nos. 1006, 1007.) In light of the parties' agreement, the Court STAYS these actions pending the Ninth Circuit's disposition of this appeal. This stay includes Plaintiffs' bill of costs. (Dkt. No. 912.) The pending motions are denied as moot in light of this stay and without prejudice to renewal following disposition of the appeal. (Dkt. Nos. 905, 906, 910, 953, 976.) As discussed at the December 7, 2021 Status Conference, the stay does not extend to the outstanding punitive damages discovery which shall be completed by the end of March 2022.

The parties shall notify the Court within seven days of the Ninth Circuit's disposition of the appeal at which point the Court will set a status conference. Plaintiffs may file a renewed

<sup>1</sup> All parties have consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c). (Dkt. Nos. 11, 19, 553, 615, 618, 893, 894, 919, 920, 934, 969, 981, 1001, 1002.)

1 motion for summary judgment on issue preclusion before the status conference.

2 This Order disposes of Docket Nos. 905, 906, 910, 953, 976.

3 **IT IS SO ORDERED.**

4 Dated: December 7, 2021

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6 JACQUELINE SCOTT CORLEO  
7 United States Magistrate Judge  
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